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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,070	07/25/2003	Shawn Owen Brune	TUC920030070US1	2231
28722	7590	03/10/2005	EXAMINER	
BRACEWELL & PATTERSON, L.L.P.			TZENG, FRED	
P.O. BOX 969			ART UNIT	
AUSTIN, TX 78767-0969			PAPER NUMBER	
			2651	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,070	BRUME, SHAWN OWEN	
	Examiner	Art Unit	
	Fred Tzeng	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-11 are presented for examination.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by ATL 4/48 Library and ATL 2/24 Library Intelligent Solution pages 1-4, hereafter as Intelligent Solution.

RE claims 1 and 5, Intelligent Solution discloses an automated data storage library (see page 1 column 1 lines 1-31; the 520 Series ATL); comprising: a frame having a plurality of data storage drives mounted thereto (see page 1 figure on 520 Series and column 2 lines 1-10; the frame can mount 2 to 4 DLT4000 or 7000 drives); a

Art Unit: 2651

robotic picker for accessing different ones of the data storage drives via data tape cartridges (see page 1 column 3 lines 1-6 or page 2 column 1 lines 19-37; the ATL Intelligrip high reliability robotic/drive system); a single control station associated with and mounted to the frame for controlling all of the data storage drives in the frame from a single position (see 520 Series ATL figure and page 3 section on Control Panel Features and Functions); the single control station further comprising: a single display device for touch-screen, operational control of all functions of all of the data storage drives for centralizing management of all of the data storage drives (see page 3 Section on Control Panel Features and Functions; the LCD status display); and a switching unit connected to the single display device for manipulating selection of the data storage drives via microcode (see page 3 section on Control Panel Features and Functions; i.e., the up/down scroll menu item select switches Load Port Open/Close switches).

RE claim 2, Intelligent Solution discloses that the functions of the data storage drives controlled by the single control station comprises: loading and unloading data tape cartridges, resetting the data storage drives, setting error code match dumps, looking at data storage drive history for loads and power-on time, setting library control features, microcode enhancements, retrieval of microcode dumps, accessing all vital product data, and monitoring potential problems with the data storage drives (see page 3 section on Library Diagnostics, Control Panel Features and Functions, Robotics Reliability).

RE claim 3, Intelligent Solution discloses that the data storage drives determine potential operational problems prior to actual failure, and these determinations are

Art Unit: 2651

posted to the single display device as error messages (see page 3 section on Library Diagnostics and Control Panel Features and Functions).

Re claim 4, Intelligent Solution discloses that the data storage drives are installed in the frame in a two-for-one drive solution, with individual drive connection cables extending between each data storage drive and the switching unit (see page 2 section on Standard Library Features).

Re claim 6, Intelligent Solution discloses that the single display device comprises a liquid crystal display unit (see page 3 section on Control Panel Features and Functions; i.e., the LCD status display unit).

Claims 7-11 are the method steps associated with the apparatus of claims 1-6 and therefore are rejected on the same basis as the apparatus claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication from the examiner should be directed to Fred Tzeng whose telephone number is 703-305-4841. The examiner can normally be reached on weekdays from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-5710 for After Final communications.

Art Unit: 2651

7. Informal regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fred F. Tzeng



March 08, 2005



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600